

**Notice of Allowability**

Application No.

10/633,217

Examiner

Minh-Chau T. Pham

Applicant(s)

KENDALL, STEPHEN P.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/04.
2. ☒ The allowed claim(s) is/are 1-5, 7-14, 17-19, 21-25, 27-29, 35, 36, 38, 42-45, 48, 51, 52, 54, 55 and 59-62.
3. ☒ The drawings filed on 01 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

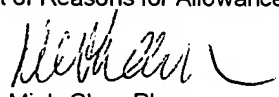
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Minh-Chau Pham  
Patent Examiner  
Art Unit: 1724

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter L. Brewer on April 14, 2005.

The application has been amended as follows: Claim 36 depends on – claim 21 – instead of canceled “claim 30”; claim 48 depends on – claim 43 – instead of canceled “claim 43”.

***Allowable Subject Matter***

Claims 1-5, 7-14 and 17-19 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses the lever member pivots in response to movement of the actuating member and the distal end of the lever member is selectively moved between a bearing position against the filter (when the actuating member is in its locked position) and a spaced apart position from the filter (when the actuating member is in its unlocked position).

Claims 21-25, 27-29, 35, 36, 38 and 42 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses the lever member connected to an actuating member inwardly of the plenum and has a distal end for bearing against a filter within the plenum, and the lever member is movable in a first plane between a first bearing position and a second

spaced-apart position relative to the filter and in a second plane between a first radially aligned position and a second radially non-aligned position also relative to the filter in response to movement of the actuating member.

Claims 43-45, 48, 51, 52, 54 and 55 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses a lever member having a first end, an opposite distal end, and an intermediate pivot point that pivots within the plenum, and when the locking member is in its unlocked position, the lever member moves between alignment and un-alignment positions upon moving the actuator member between its locking and unlocking positions for replacement of the filter within the plenum.

Claims 59-62 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses the step of radially moving the actuating member from the first radial position to the second radial position, thereby causing the distal end of the lever member to move from a radially unaligned position relative to the filter to a radially aligned position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571)

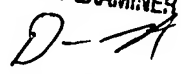
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272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Minh-Chau Pham  
Patent Examiner  
Art Unit : 1724  
April 14, 2005

DUANE SMITH  
PRIMARY EXAMINER  
  
4-15-05